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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/246,695 02/09/99 WATANABE

M 2091-0186P-S

002292 TM02/0228  
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EXAMINER

EL YNN, K

ART UNIT

PAPER NUMBER

2153

DATE MAILED:

02/28/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

## Office Action Summary

Application No.

09/246,695

Applicant(s)

WATANABE ET AL.

Examiner

Kimberly D Flynn

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2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-9 are rejected under 35 U.S.C. 102(a) as being anticipated by Parulski.

1. Parulski, discloses a Network Photograph Service System (see Fig. 1)

comprising :

- Image storing means (52, Fig. 1B) for storing at least one image (see Pg. 4, line 20);
- Image selecting means (Fig. 2) for enabling a service user to select one or a plurality of images from the images stored in the image storing means (see Page 4, line 7);
- Mail generating means for generating an electronic mail message including the image or images (see Pg. 4, lines 8-10);
- Destination address specifying means for enabling the service user to specify a destination address of the electronic mail message (see Pg. 4, lines 6-8) ;
- Mail transmitting means (28, Fig. 1A) for transmitting the electronic mail message to the destination address (see Pg. 4, lines 11-14), such as claimed in claim 1 and 6.

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2. In considering claims 2 and 7, (see Fig. 3, and Pg. 3, lines 25-27).
3. In considering claim 3, (see Fig. 4, and Pg. 4, lines 56-57).
4. In considering claims 4 and 8, (see Pg. 4, lines 6-8).
5. In considering claims 5 and 9, (see Pg. 3 lines 23-24).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- European Pat App. No. EP 860980 A2 to Parulski

An Electronic camera that allows the user to utilize images on their home computer with the options of attaching them to e-mail messages, printing them out, or creating an electronic photo album.

- U.S. Pat No. 5,881,233 to Toyoda

An electronic mail system comprising an apparatus connected to a network capable of transmitting image data of the electronic-mail format toward the electronic-mail destination address via a network.

- U.S. Pat. No. 5,605,153 to Fujioka

A medical image diagnostic system comprising an image collecting section, an image storing section, and an image processing section, the system further includes a determining section and an adding section.

- U.S. Pat. No. 6,028,982 to Toyoda

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An image communicating method, facsimile type electronic mail apparatus and facsimile apparatus that comprises a method and apparatus for changing image data to mail data to be transmitted from a transmitting side to a receiving side through a LAN by electronic mail.

- U.S. Pat No. 6,124,939 to Toyoda

An electronic mail system that includes a section for converting image data into an electronic mail format , a section for receiving information of an electronic-mail destination address, and a section for transmitting the image data of the electronic mail format toward the electronic-mail destination address via the network

- U.S. Pat. No. 6,138,149 to Ohmura

A system for tracking information copied from a web page and sent via electronic mail comprising an electronic mail editing section that has a function of editing electronic mail and inserting a stored index sticker into the text of the electronic mail.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Flynn whose telephone number is 703-308-7609. The examiner can normally be reached on Monday to Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 703-305-4792. The fax phone numbers

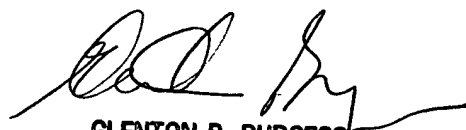
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for the organization where this application or proceeding is assigned are 703-308-7201 for regular communications and 703-308-7201 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Kimberly D Flynn  
Examiner  
Art Unit 2153

KF  
February 26, 2001



**GLENTON B. BURGESS**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100